

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**GARDA SUPPLIES, RENTAL &
SERVICES, LTD.,**

Plaintiff,

v.

CITY WALK ONE, LLC,

Defendant,

v.

**GARDA WORLD SECURITY
SERVICES CORPORATION,**

Third-Party Defendant.

Civil Action No.: 2:17cv583-MSD-IRL

**DEFENDANT’S MEMORANDUM IN SUPPORT OF
MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 37**

Defendant, City Walk One, LLC (“City Walk”), by counsel, and pursuant to Fed. R. Civ. P. 37(a)(3)(C), (a)(4), (b), and (c), submits this memorandum in support of its Motion for Sanctions based upon the (1) misrepresentations by Plaintiff, Garda Supplies, Rental & Services, LTD’s (“Garda” or “Plaintiff”) allegedly key witness, Justin Uditsky, during his deposition; (2) Mr. Uditsky’s evasiveness and refusal to provide complete disclosure of pertinent facts that hurt Garda’s case; and (3) Garda’s misrepresentations in its discovery responses. The reasons in support of the Motion are set forth in the accompanying memorandum.

WHEREFORE, City Walk respectfully requests that the Court: (1) grant its Motion for Sanctions; (2) strike and/or dismiss with prejudice Plaintiff’s First Amended Complaint in full; (3) exclude Justin Uditsky as a witness on behalf of Plaintiff in this case; (4) award attorneys’ fees and costs to City Walk in filing and defending this motion; (5) grant City Walk such further relief that the Court deems appropriate.

Dated: January 23, 2019

Respectfully submitted,

CITY WALK ONE, LLC

By /s/ John C. Lynch

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